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**OFFICE OF PETITIONS
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CHARLOTTE NC 28280-4000

In re Application of
Tuomanen, et al.
Application No. 09/056,019
Filed: April 7, 1998
Attorney Docket No. 44158/207989

DECISION ON PETITION

This is a decision on the petition filed on February 2, 2001, pursuant to 37 CFR 1.137(b), to revive the above-identified application.¹

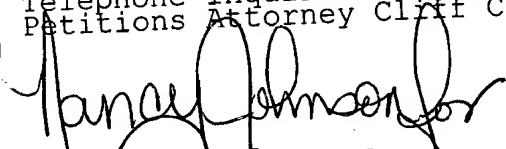
The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper response to the non-final Office action, mailed May 24, 2000, which set a shortened statutory period for reply of three (3) months. While a response to the non-final Office action was submitted on December 27, 2000, this response (an Amendment) could not be entered because it was outside of the maximum period obtainable for reply. Accordingly, the above-identified application became abandoned on August 25, 2000. The instant petition precedes the mailing of a Notice of Abandonment.

The petitioner has met the requirements to revive the above-identified application, pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of an amendment, paid the petition fee, and made the proper statement of unintentional delay.

✓ The application file is being forwarded to Technology Center 1600 for consideration of petitioner's amendment, filed February 2, 2001.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (703) 305-0272.


Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹ The instant petition was filed by attorney David Jackson. However, on April 27, 2001, a Revocation of Power of Attorney and New Power of Attorney was filed by the assignee, St. Jude Children's Research Hospital.